

**The George Mason University Instructional Foundation, Inc.
The Capitol Connection
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January 14, 2004

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C., 20554

Re: *Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands -- WT Docket No. 03-66 -- NOTICE OF EX PARTE PRESENTATION*

Dear Ms. Dortch

Yesterday, Dr. Michael R. Kelley, President of The George Mason University Instructional Foundation and Executive Director of The Capitol Connection (collectively "GMUIF") met with John Muleta, Chief of the Wireless Bureau, and the following members of the Wireless Bureau staff: John Schauble, Catherine Seidel, Uzoma Onyeije, and Joel Taubenblatt, to discuss GMUIF's positions regarding the *Notice of Proposed Rulemaking* ("NPRM") in the above referenced proceeding.

Dr. Kelley expressed GMUIF's support for the proposals advanced by the Wireless Communications Association International, Inc., the Catholic Television Network, and the National ITFS Association ("the Coalition") for rebanding the 2500-2650 band and transitioning to that new bandplan. He outlined GMUIF's extensive use of its spectrum not only for The Capitol Connection television service, but also to provide George Mason University Courses to various cable headends in Loudoun and Prince William Counties. Specifically he pointed out that it is so vital to GMUIF and many, many other ITFS licensees that the Commission maintain the high power mid-band segment either for television transmissions or high speed data services over wide areas. He dismissed the New America Foundation's suggestions that because of underutilization 90 MHz of the ITFS band be reallocated for unlicensed services, saying the GMUIF and many, many other ITFS licensees across the country use every megahertz they have.

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Dr. Kelley also argued for keeping the current ITFS eligibility requirements, and he and Mr. Muleta engaged in a lengthy discussion about this as well as the Coalition's proposed transition process. Dr. Kelley expressed his support for the Coalition's transition process, noting that it is not as neat or clean as the plan for clearing the PCS band was, but that this is the first time that reband is taking place while incumbents remaining in the band and continue to utilize it. Dr. Kelley expressed the view that a far more complicated process is required under such circumstances than one where the incumbents simply clear off the spectrum.

Should you have any questions regarding this presentation, please contact me.

Respectfully submitted,

/s/ Michael R. Kelley

Michael R. Kelley, Ph.D.
Executive Director
The Capitol Connection